



House of Representatives

General Assembly

File No. 598

January Session, 2001

Substitute House Bill No. 6835

House of Representatives, May 3, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INNKEEPERS AND GUESTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) Occupancy in a hotel, motel or similar lodging for
2 thirty days or more is not transient. Occupancy for less than thirty
3 days is transient, unless the unit occupied is the primary residence of
4 the occupant.

5 Sec. 2. Subsection (a) of section 47a-2 of the general statutes is
6 repealed and the following is substituted in lieu thereof:

7 (a) Unless created to avoid the application of this chapter and
8 sections 47a-21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g,
9 inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, the
10 following arrangements are not governed by this chapter and sections
11 47a-21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35
12 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46: (1) Residence at an
13 institution, public or private, if incidental to detention or the provision

14 of medical, geriatric, educational, counseling, religious service or any
15 similar service; (2) occupancy under a contract of sale of a dwelling
16 unit or the property of which such unit is a part, if the occupant is the
17 purchaser or a person who succeeds to [his] the occupant's interest; (3)
18 occupancy by a member of a fraternal or social organization in the
19 portion of a structure operated for the benefit of such organization; (4)
20 transient occupancy in a hotel or motel or similar lodging, as provided
21 in section 1 of this act; (5) occupancy by an owner of a condominium
22 unit; and (6) occupancy by a personal care assistant or other person
23 who is employed by a person with a disability to assist and support
24 such disabled person with daily living activities or housekeeping
25 chores and is provided dwelling space in the personal residence of
26 such disabled person as a benefit or condition of such employment.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

The bill establishes rules for determining when a person is a transient guest or a tenant for the purposes of identifying the legal rights of both that person and the innkeeper. While the bill would impact those individuals who utilize the state's court system to resolve such conflicts, passage of the bill would not result in any fiscal impact to the state.

OLR Bill Analysis

sHB 6835

AN ACT CONCERNING INNKEEPERS AND GUESTS.**SUMMARY:**

This bill establishes a rule for determining when a person is a transient guest in a hotel, motel, or similar lodging, instead of a tenant. Under the bill, a person is a transient if he occupies a room in one of these establishments for less than 30 days, unless he uses it as his primary residence. By law, establishment owners can eject or lock out transients who do not comply with the owner's rules, including payment for occupancy.

The bill specifies that a person is not a transient, and thus entitled to the protection of landlord and tenant laws, including eviction, if he is an occupant for at least 30 days.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Related Case Law***

Connecticut courts have considered different factors when determining whether innkeepers relinquished possession and control of the rented premises, creating a landlord and tenant arrangement, or merely allowed someone to temporarily use the premises, which is indicative of an owner/guest or lodger arrangement. These factors include: (1) the length of stay; (2) the existence of a special contract for the room; (3) whether the occupant has another residence; (4) the extent to which the occupant has made the room his home for the time being; and (5) whether the owner retained a key to the occupant's room, made repairs and maintained the room and surrounding premises, or provided furniture and furnishing (*Bourque v. Morris*, 190 Conn. 364 (1983); *State v. Anonymous* (1977-7), 34 Conn. Supp. 603 (1977)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0